IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Applicant:

Jonathan GRESSEL et al

Serial No.:

10/774,388

Filed:

February 10, 2004

For:

TRANSGENIC PLANTS FOR MITIGATING INTROGRESSION OF GENETICALLY ENGINEERED GENETIC TRAITS

Examiner: FOX, DAVID T

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Group Art Unit: 1638

Attorney

Docket: 27084

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a PTO Form 1449 which lists citations which may be material to the patentability and examination of the above identified application. Also enclosed are copies of the references cited. These are submitted in compliance with the duty of disclosure defined in 37 CFR 1.56. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56 is not to be construed as a representation that a search has been made, that additional matter which is material to the examination of this application does not exist, or that any or more of these citations constitutes prior art.

Respectfully submitted,

Martin O. Magnihan

Martin Moynihan

Registration No. 40,338

Dated: October 3, 2005

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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					Application Number 10/774,388 Filing Date February 10, 2004		774,388	
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					Examiner Name	FOX, DAVID T		
Sheet			of		Attorney Docket Number	27084		
			U.S.	PATENT	DOCUMENTS			
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY		Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines, Where Relevant Passages or Relevant	
		Number-Kind Code ^{2 (if known)}					Figures Appear	
	1	US-5,512,466	04-30-1	996	Klee et al.			
	2	US-5,723,765	03-3-1998		Oliver et al.			
	3	US-6,198,024	06-6-20	01	Yanofsky et al.			
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. 1	Foreign Patent Documents Country Code ³ . Number ⁴ . Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY		of Patentee or of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T 6
	4	PCT WO 96/34088	10-31-1996	Colasanti	et al.		
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INFORMATION DISCLOSURE

Complete	if Known
Application Number	10/774,388
Filing Date	February 10, 2004
First Named Inventor	Jonathan GRESSEL et al
Group Art Unit	1638
Examiner Name	FOX, DAVID T
Attorney Docket Number	27094

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		OTHER PRIOR ART – NON PATENT LITER	ATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.				
	5	Dasgupta et al. "Co-Ordinated Expression of Multiple Subcellular Compartments in Plants", The Plant Journal	Enzymes in Different			
	6	Azpiroz et al. "An Arabidopsis Brassinosteriod-Depen- Elongation", The Plant Cell, 10: 219-230, 1998.		n Cell		
	7	Al-Kaff et al. "Transcriptional and Posttranscriptional Response to A Pathogen", Science, 279: 2113-2115, 19				
	8	Schaller et al. "Overexpression of An Arabidopsis cDN Methyltransferase in Tobacco Modifies the Ratio of 24 Sitosterol and Is Associated With Growth Reduction", 469, 1998.	NA Encoding A Sterol-C2 I-Methyl Cholesterol to			
- 110	9	Zemetra et al. "Potential for Gene Transfer Between W Jointed Goatgrass (Aegilops Cylindrica)", Weed Scien		n) and		
	10	Koltunow et al. "Apomixis: Molecular Strategies for the Identical Seeds Without Fertilization", Plant Physiological Seeds Without Fertilization (1997).	ne Generation of Genetica			
	11	Young "Heritability of Resistance to Seed Shattering is 31: 1156-1158, 1991.				
·	12	Williams "Genetic Engineering for Pollution Control", 344-349, 1995.	Trends in Biotechnology	y, 13:		
	13	Crawley et al. "Ecology of Trangenic Oilseed Rape in 620-623, 1993.	Natural Habitats", Nature	e, 363:		
	14	Snow et al. "Fecundity, Phenology, and Seed Dormand Sunflower (Helianthus Annuus, Asteracae)", American 794-801, 1998.				
***	15	Jorgensen et al. "Spontaneous Hybridization Between and Weedy B. Campestris (Brassicaceae): A Risk of C Oilseed Rape", American Journal of Botany, 81(12): 1	Frowing Genetically Mod			
	16	Paterson et al. "The Weediness of Wild Plants: Molecular Influencing Dispersal and Persistence of Johnsongrass Pers.", Proc. Natl. Acad. Sci. USA, 92: 6127-6131, 19	ular Analysis of Genes , Sorghum Halepense(L.))		
	17	Vleeshouwers "The Effect of Seed Dormancy on Perconstruction in Polygonum Persicaria, and Its Relevant Annual of Applied Biology, 132: 289-299, 1998.	entage and Rate of ace for Crop-Weed Intera	ction",		
	18	Eijlander et al. "Biological Containment of Potato (So Outcrossing to the Related Wild Species Black Nights Bittersweet (Solanum Dulcamara)", Sexual Plant Repr Abstract. [Chem. Abstr., 75(20): 163, Col.1, Abstract	hade (Solanum Nigrum) roduction, 7: 29-40, 1994			
	19	Ritala et al. "Measuring Gene Flow in the Cultivation Science, 42: 278-285, 2002.		rop		
	20	Kuvshinov et al. "Molecular Control of Transgene Esc Modified Plants", Plant Science, 160(3): 517-522, 200				
	21	Gressel "Tandem Constructs to Mitigate Transgene Fl		2003.		
	22	Daniell et al. "Containment of Herbicide Resistance T the Chloroplast Genome", Nature Biotechnology, 16:	hrough Genetic Engineer			
	23	Oard et al. "Field Evaluation of Seed Production, Shat Hybrid Populations of Transgenic Rice (Oryza Sativa) (Oryza Sativa)", Plant Science, 157: 13-22, 2000.	tering, and Dormancy in			
	24	Linder "Potential Persistence of Transgenes: Seed Per	forman on of Transports (21.		

	and Wild X Canola Hybrids", Ecological Applications, 8(4): 1180-1195, 1998.	SPE
25	Landbo et al. "Seed Germination in Weedy Brassica Campestris and Its Hybrids With B. Napus: Implications for Risk Assessment of Transgenic Oilseed Rape", Euphytica, 97: 209-216, 1997.	OCT 197
26	Desplanque et al. "Transgenic Weed Beets: Possible, Probable, Avoidable?", Journal of Applied Ecology, 39: 561-571, 2002.	A DCI 13
27	Wang et al. "Constitutive Expression of the CIRCADIAN CLOCK ASSOCIATED 1 (CCA1) Gene Disrupts Circadian Rhythms and Suppresses Its Own Expression", Cell, 93: 1207-1217, 1998.	3 TRADEN
28	Bartsch et al. "Boisafety of Hybrids Between Transgenic Virus-Resistant Sugar Beet and Swiss Chard", Ecological Appl., 11(1): 142-147, 2001.	
29	Kuvshinov et al. "Barnase Gene Inserted in the Intron of GUS - A Model for Controlling Transgene Flow in Host Plants", Plant Science, 167: 173-182, 2004.	
 30	Gressel et al. "Genetic and Ecological Risks From Biotechnologically-Derived Herbicide-Resistant Crops: Decision Trees for Risk Assessment", Plant Breeding Reviews, 18(Chap.5): 251-303, 2000.	
31	Gressel et al. "Containment and Mitigation of Transgene Flow From Crops", The BCPC International Congress - Crop Science & Technology, P.1175-1180, 2003.	
32	Gressel "Tandem Constructs: Preventing the Rise of Superweeds", Tibtech, 17: 361-366, 1999.	
33	Gressel "Introgressional Failsafes for Transgenic Crops", Xieme Colloque International sur la Biologie des Mauvais Herbes, 8 P. 2000.	
34	Gressel "Potential Failsafe Mechanisms Against the Spread and Introgression of Transgenic Hypervirulent Biocontrol Fungi", Trends in Biotechnology, 19(4): 149-154, 2001.	
 35	Al-Ahmad et al. "Tandem Constructs to Mitigate Transgene Persistence: Tobacco as A Model", Molecular Ecology, 13: 697-710, 2004.	

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